

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 JOSE VEGA, a/k/a/ Jose Gutierrez-Vega,
12 a/k/a Panda,

13 Defendant.

3:18-CR-057-MMD-WGC
3:18-CR-056-MMD-WGC

Preliminary Order of Forfeiture

14 This Court finds Jose Vega, a/k/a/ Jose Gutierrez-Vega, a/k/a Panda, pled guilty to
15 the following:

16 As to 3:18-CR-057-MMD-WGC (057), Count 1 of a 14-Count Superseding
17 Indictment charging him with conspiracy to possess with intent to distribute and to
18 distribute at least 50 grams of actual methamphetamine and 500 grams of a mixture and
19 substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§
20 841(a)(1) and 846. Superseding Indictment, ECF No. 192; Change of Plea, ECF No. 606;
21 Plea Agreement, ECF No. 607.

22 As to 3:18-CR-056-MMD-WGC (056), Count 1 of a 1-Count Superseding
23 Indictment charging him with possession of a firearm by a prohibited person in violation of
24 18 U.S.C. § 922(g)(1). Superseding Indictment, ECF No. 24; Change of Plea, ECF No. 32;
25 Plea Agreement, ECF No. 33.

26 This Court finds Jose Vega, a/k/a/ Jose Gutierrez-Vega, a/k/a Panda, agreed to the
27 forfeiture of the property set forth in the Plea Agreement, the Second Bill of Particulars
28 (057), the Forfeiture Allegation of the Superseding Indictment (057), and the Forfeiture

1 Allegation of the Superseding Indictment (056). Superseding Indictment (057), ECF No.
2 192; Second Bill of Particulars (057), ECF No. 236; Change of Plea (057), ECF No. 606;
3 Plea Agreement (057), ECF No. 607; Superseding Indictment (056), ECF No. 24; Change
4 of Plea (056), ECF No. 32; Plea Agreement (056), ECF No. 33.

5 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States
6 of America has shown the requisite nexus between property set forth in the Plea Agreement,
7 the Second Bill of Particulars (057), the Stipulation to Modify the Plea Agreement, the
8 Forfeiture Allegation of the Superseding Indictment (057), and the Forfeiture Allegation of
9 the Superseding Indictment (056) and the offenses to which Jose Vega, a/k/a/ Jose
10 Gutierrez-Vega, a/k/a Panda, pled guilty.

11 The following property is (1) any firearm or ammunition involved in or used in any
12 knowing violation of 18 U.S.C. § 922(g)(1); (2) any property, real or personal, which
13 constitutes or is derived from proceeds traceable to violations of 21 U.S.C. § 841(a)(1), a
14 specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(D), or 21
15 U.S.C. § 846, conspiracy to commit such offense; (3) any property constituting, or derived
16 from, any proceeds obtained, directly or indirectly, as the result of violations of 21 U.S.C. §§
17 841(a)(1) and 846; (4) any property used, or intended to be used, in any manner or part, to
18 commit, or to facilitate the commission of violations of 21 U.S.C. §§ 841(a)(1) and 846; and
19 (5) all moneys, negotiable instruments, securities, or other things of value furnished or
20 intended to be furnished in exchange for a controlled substance or listed chemical in
21 violation of 21 U.S.C. §§ 841(a)(1) and 846, all proceeds traceable to such an exchange, and
22 all moneys, negotiable instruments, and securities used or intended to be used to facilitate
23 any violation of 21 U.S.C. §§ 841(a)(1) and 846, and is subject to forfeiture pursuant to 18
24 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. §
25 2461(c); 21 U.S.C. § 853(a)(1); 21 U.S.C. § 853(a)(2); and 21 U.S.C. § 881(a)(6) with 28
26 U.S.C. § 2461(c):

- 27 1. SCCY Industries, Model CPX-1, 9 millimeter firearm bearing serial number 562729;
- 28 2. any and all ammunition;

1 3. \$1,000.00 in US Currency seized from Alberto Acosta-Macias at 3503 Postre Ct.;
2 4. \$213.00 in US Currency seized from Jose Mora at 460 E. Grove St.;
3 5. \$607.00 in US Currency seized from Shawn Curl at 4986 S. Virginia St.;
4 6. \$996.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct.;
5 7. \$2,750.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct.;
6 8. \$16,021.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct.; and
7 9. \$3,785.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct.
8 (all of which constitutes property).

9 This Court finds that the United States of America may amend this order at any time
10 to add subsequently located property or substitute property to the forfeiture order pursuant
11 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

12 This Court finds the United States of America is now entitled to, and should, reduce
13 the aforementioned property to the possession of the United States of America.

14 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
15 DECREED that the United States of America should seize the aforementioned property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
17 rights, ownership rights, and all rights, titles, and interests of Jose Vega, a/k/a/ Jose
18 Gutierrez-Vega, a/k/a Panda, in the aforementioned property are forfeited and are vested in
19 the United States of America and shall be safely held by the United States of America until
20 further order of the Court.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
22 of America shall publish for at least thirty (30) consecutive days on the official internet
23 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
24 describe the forfeited property, state the time under the applicable statute when a petition
25 contesting the forfeiture must be filed, and state the name and contact information for the
26 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
27 and 21 U.S.C. § 853(n)(2).

28 / / /

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
2 or entity who claims an interest in the aforementioned property must file a petition for a
3 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
4 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
5 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
6 right, title, or interest in the forfeited property and any additional facts supporting the
7 petitioner's petition and the relief sought.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
9 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
10 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
11 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
12 after the first day of the publication on the official internet government forfeiture site,
13 www.forfeiture.gov.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
15 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
16 Attorney's Office at the following address at the time of filing:

17 Daniel D. Hollingsworth
18 Assistant United States Attorney
19 James A. Blum
20 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
22 described herein need not be published in the event a Declaration of Forfeiture is issued by
23 the appropriate agency following publication of notice of seizure and intent to
24 administratively forfeit the above-described property.

25 / / /


26 / / /

27 / / /

28 / / /

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED December 4, 2019.

4
5 

6 HONORABLE MIRANDA M. DU
7 UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on December 3, 2019.

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
FSA Contractor Paralegal